

FILED

OCT 21 2005

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS
EAST ST. LOUIS OFFICE

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAMES WENDT,

Defendant.

CRIMINAL NO. 04-30103-MJR

PRELIMINARY ORDER FOR FORFEITURE PURSUANT TO
FED.R.CRIM.P. 32.2 WITH RESPECT TO CERTAIN
PROPERTY OF JAMES WENDT

In the Indictment filed in the above cause on August 17, 2004, the United States sought forfeiture of property of Defendant, James Wendt, pursuant to 21 U.S.C. § 841(a)(1) and 853. The Court, upon consideration of the guilty plea and by the admissions of the Defendant received in this matter hereby finds by a preponderance of evidence that the following property constitutes proceeds of the offense to which the Defendant has pled guilty or property used to facilitate the commission of the offense and is therefore forfeitable:

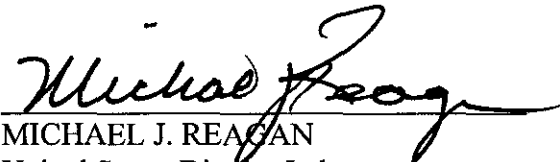
1. One thousand eight hundred and fourteen dollars (\$1,814.00) in U.S. Currency, in that such sum in aggregate was received in exchange for the distribution of controlled substances or is traceable thereto; and
2. One 1999 Ford Expedition, VIN: 1FMPU18L4XLC21225, with all attachments, components and accessories thereon.

The Court further has been advised that the foregoing property has already been administratively forfeited by the United States. The United States may rely on said administrative orders of forfeiture and does not have to publish notice of this criminal forfeiture order or otherwise provide notice to third parties; however, should said administrative orders be set aside in the future for any reason, the United States at that time may publish notice and complete the criminal forfeiture process.

Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, this Preliminary Order of Forfeiture is hereby decreed to be final with respect to the Defendant James Wendt and is hereby made a part of his sentence and shall be included in the Judgment entered against him in this case.

The United States may abandon forfeiture of any item of property by filing notice of same with the Court.

DATE: 10/21/05


MICHAEL J. REAGAN
United States District Judge